

Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,937,158 (Uranaka). In the April 28, 2005 Amendment, Applicants first argued that claim 1 recites “a service status detecting means for detecting a service status of a computer peripheral.” Uranaka relates to a system that connects portable media, such as a DVD including a catalogue, to a network so that an order can be made from the catalogue (see col. 2, lines 9-19). In Uranaka, the DVD can include data such as price, code, etc., as well as a storage area to store a user’s purchase history (see the aforementioned section cited by the Examiner). No where in the DVD, or in fact system, is there disclosed or suggested that a *service status of a computer peripheral* be detected. For example, the section is silent with respect to detecting how much storage is in the DVD. The present invention and the Uranaka system are quite different. The Examiner does not address this first argument in the Response to Arguments.

Next, in this Office Action, the Examiner, in the Response to Arguments states that Uranaka teaches supplementing the information in a CD-ROM by an Internet home page and that this would read over how purchasing a CD-ROM at a bookstore can read on sales promoting terminal. Applicants note that this is a new argument and grounds of rejection, and therefore request that the finality of the Office Action be withdrawn.

Additionally, the Examiner notes that because the catalog on CD-ROM is distributed only several times annually, it may take some time until changes of price or specification, or addition of new products will be included in the catalog. Therefore, it is proposed to supplement the information in CD-ROM by Internet home page to get the current sales promotion. In so doing, it is possible to utilize the catalog, which always offer the newest information (citing

column 1, lines 45-52}. However, Applicants note that Uranaka teaches away from this method due to the extensive maintenance required by the user in updating the personal computer (see col. 2, lines 1-8).

The Examiner has also stated in the new grounds of rejection that it “appears checking and identifying the correspondence would also mean detecting the service status.” Applicants submit that claims 1 and 2 recite detecting a service status of a computer peripheral. The correspondence referred to in Urankawa in the newly cited col. 16 relates to determining whether a DVD has been illegally copied. Assuming arguendo, in the Examiner’s scenario, the Examiner has provided no reason why one of ordinary skill in the art would take determining whether a DVD has been illegally copied, and placing this information in a product information storing means for access by a sales promoting terminal (or in this case a CD-ROM as the Examiner argues).

As for claim 9, the Examiner states that the feature “said service status detecting means detects a spent disk capacity and a load status of said data storing apparatus as a service status” is disclosed at col. 1, lines 27-29, wherein this reads over “the CD-ROM thus obtained is placed into a CD-ROM drive of a personal computer at hand to display the content of the catalog”. Applicants respectfully submit that inserting a CD-ROM into a computer would not suggest detecting the disk capacity, and in particular, detecting the disk capacity at the network. The Examiner did not address this argument in the Response to Arguments

Claims 3-12 are allowable at least based on their dependence on claims 1 and 2, as applicable.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/928,451

Attorney Docket No. Q65793

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: October 17, 2005